

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

| | | |
|-------------------------------|---|------------------------|
| ELIZABETH J. MCCABE, |) | |
| |) | |
| Claimant, |) | |
| |) | |
| v. |) | IC 04-511953 |
| |) | 04-012825 |
| JO-ANN STORES, INC., |) | 04-524200 |
| |) | |
| Employer, |) | |
| |) | |
| and |) | ORDER DENYING |
| |) | RECONSIDERATION |
| LIBERTY MUTUAL FIRE INSURANCE |) | |
| COMPANY, |) | Filed November 1, 2006 |
| |) | |
| Surety, |) | |
| Defendants. |) | |
| |) | |

On September 25, 2006, Claimant filed a Motion for Reconsideration of the Commission's September 15, 2006, decision in the above-referenced case. Claimant contends that the Commission failed to consider evidence that would weigh in favor of disability in excess of impairment. Defendants respond that the Commission's findings are supported by substantial and competent evidence and, as a result, Claimant's motion should be denied.

The Commission is not persuaded by Claimant's arguments. Her motion amounts to little more than a request to reweigh the evidence. The cause or causes of a claimant's disability is a question of fact to be determined by the Commission in light of all the circumstances. *Thom v. Callahan*, 97 Idaho 151, 155, 540 P.2d 1330, 1334 (1975). The Commission carefully examined and weighed the evidence and arguments of the parties before rendering its original decision. The Commission's decision is fully supported by the record.

Accordingly, Claimant's Motion for Reconsideration should be, and is hereby, DENIED.

DATED this _1st____ day of __November_____, 2006.

INDUSTRIAL COMMISSION

_____/s/_____
Thomas E. Limbaugh, Chairman

_____/s/_____
James F. Kile, Commissioner

_____/s/_____
R.D. Maynard, Commissioner

ATTEST:

_____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the __1st day of _____November_____, 2006, a true and correct copy of the foregoing **ORDER DENYING RECONSIDERATION** was served by regular United States Mail upon each of the following persons:

EMIL F PIKE JR
PO BOX 302
TWIN FALLS ID 83303-0302

KENT W DAY
PO BOX 6358
BOISE ID 83707-6358

kas

_____/s/_____